

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 27, 2007
POSITION: Oppose unless amended

BILL NUMBER: SB 904
AUTHOR: J. Battin

BILL SUMMARY: Public Records: Military Service

This bill would require a county recorder when making a noncertified copy of a military service record, to alter it as specified. This bill defines a person authorized to receive a certified copy of a military service record. This bill would make conforming changes to code relating to military service records.

FISCAL SUMMARY

No fiscal analysis was available from California Department of Veterans Affairs at the time of the analysis.

Under Section 6(b) of Article XIII B of the California Constitution, any costs to a unit of local government which result from legislation defining a new crime or changing an existing definition of a crime are not reimbursable by the state. Therefore, any local government costs resulting from the mandate in this measure relating to the definition of a new crime or an existing crime would not be state-reimbursable, because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

Section 17556(d) of the Government Code provides that the Commission on State Mandates shall not find a reimbursable mandate in a statute or executive order if the affected local agencies have the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program in the statute or executive order. Therefore, although this bill may result in additional costs to local government, those costs are not reimbursable because the affected local entities are authorized to charge fees to cover those costs.

Finance notes, to the extent this bill results in additional local government costs not covered by county required fees, such as costs to alter copies of military service records, there could be indeterminable state and local costs.

COMMENTS

Finance is opposed to this bill unless it is amended. This bill is intended to be cost-neutral for affected local agencies and school districts. The intent of the Legislature and the Administration would be undermined if the bill were found to be a reimbursable state mandate; therefore, Finance opposes this bill unless the attached language is added.

Existing law provides that a certified copy of any military service record may be made available only to specified individuals. Current law authorizes the State Registrar, local registrar, or county recorder to issue a certified copy of a military service record upon receipt of a written or faxed request accompanied by a notarized statement that the requester is an authorized person as specified. For requests from unauthorized requesters, the certified copy provided to the requester is an informational certified copy. Existing law provides that a recorder is liable for damages if the recorder changes, obliterates or inserts any new matter in any records deposited in the office.

This bill would require the county recorder, when furnishing a noncertified copy of a military service record,
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Analyst/Principal (0221) R. Baker	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

J. Battin

June 27, 2007

SB 904

COMMENTS (continued)

to alter the record as specified without incurring any liability.

This bill also makes conforming changes to other provisions of law relating to military service records.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2007-2008	FC	2008-2009	FC	2009-2010	Code
8955/Vets Affairs	SO	No	-----	See Fiscal Summary				-----	0001

Mandate Sunset Language

SEC___. (a) In the event of a determination by Commission on State Mandates, or a final judicial determination by a California court of appellate jurisdiction that any provision of this act is a state-mandated local program requiring state reimbursement to a local agency or school district within the meaning of Section 6 of Article XIII B of the California Constitution, the provisions of this act shall be repealed 90 days following the date on which the Commission on State Mandates adopts a statement of decision finding a state mandate, or 90 days following the date on which the first such judicial determination become final.

(b) This act shall not be repealed pursuant to subdivision (a) if the Director of Finance files a written Notice of Intent to Appeal with the Commission on State Mandates within 90 days of the adoption of a statement of decision finding that any of the provisions of this act is a state-mandated local program requiring reimbursement within the meaning of Section 6 of Article XIII B of the California Constitution. The Notice of Intent to Appeal specified by this subdivision shall consist of a written notice setting forth the intention of the Director of Finance to seek judicial review of the decision of the Commission on State Mandates.